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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,175	01/09/2001	Pang-Chia Lu	10234-2	1308

23455 7590 04/09/2004

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EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1771

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,175

Applicant(s)

LU ET AL.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-27,29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) 8-27 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,29,31-36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 3/22/2004. Applicants' amendments to claims 4 and 5, and non-elected method claim 27 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particular, Applicants' argument "Modifying Park by not stretching the films disclosed therein would directly contradict and destroy Park's teachings" (Remarks, page 9, first full paragraph) is persuasive. However, Applicants' arguments are moot in view of the new grounds of rejection made over Park et al. in view of Wilkie et al.

Response to Amendment

4. Claims 1, 3-5, 29, 31-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 4758462) in view of Wilkie et al. (US 5443915), substantially for the reasons set forth in sections 5 and 6 of Paper No. 0819, together with the following additional observations.

It is noted that amended claims 1, 31 and 38 recites in part "wherein each layer of said film is substantially free of voids", with support in the Specification, at pages 16-17, bridging paragraph, which states "it is possible to form an opaque core layer 14 that

Art Unit: 1771

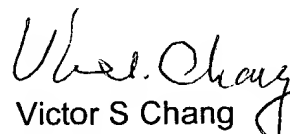
is substantially free of voids where the opacity is achieved by the addition of opacifying compounds”.

With respect to Applicants' response arguing that “Park does not disclose a film ... wherein each layer of the film is substantially free of voids” (Remarks dated 12/1/2003, page 10, fifth paragraph), the Examiner notes that although Park is silent about forming an opaque core layer which is substantially free of voids, it is noted that Wilkie's invention is directed to an oriented multilayer film having a white-opaque skin layer (Abstract). Wilkie teaches that oriented non-cavitated film layer is advantageous since cavities and voids reduce mechanical strength, and oriented film of a polymer with the titanium dioxide dispersed therein does not have the extensive cavitations and voids when the polymeric layer has a lower melting temperature than isotactic polypropylene homopolymer (column 4, lines 45-56). Note also as evidence of the state of the art Larter et al. (US 6689857), which is directed to a highly oriented high density polyethylene film. Skin layers can be provided (Abstract). Larter teaches that opacifying agents, such as titanium dioxide, etc., can be included in a range of 1-10 wt% (column 13, lines 4-10). As such, it would have been obvious to one of ordinary skill in the art to modify Park's core layer with a lower melting opaque polyolefin layer, such as a layer of lower melting high density polyethylene mixed with a suitable amount of opacifying titanium dioxide, as taught by Wilkie, motivated by the desire to obtain a substantially nonporous opaque multilayer film with improved mechanical strength.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

4/2/2004